

REMARKS/ARGUMENTS

In the Office Action dated November 6, 2006, Claims 1-6, 9, 15-21, and 24 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,532,589 to Proehl et al. (“the ‘589 patent”) in view of U.S. Patent Application Publication No. 2003/0131356 to Proehl et al. (“the ‘356 publication”). Claims 7 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over the ‘589 patent in view of the ‘356 publication, and further in view of U.S. Patent Application Publication No. 2005/0283810 to Ellis et al. (“the ‘810 publication”). Claims 8, 10-14, 23, and 25-29 were rejected under 35 U.S.C. § 103(a) as being obvious over the ‘589 patent in view of the ‘356 publication, and further in view of U.S. Patent No. 6,430,359 to Yuen et al. (“the ‘359 patent”). Applicant has amended Claims 1, 6, 7, 10, and 12-29. Applicant has also added new dependent Claims 30-35. As explained below, Applicant respectfully submits that the claimed invention of amended independent Claims 1, 10, 15, 25, and 34, and by dependency Claims 2-9, 11-14, 16-24, 24-33, and 35, are patentably distinct from the cited references, viewed either alone or in combination. As such, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

I. Summary of the cited references.

The primary reference used in the rejections, the ‘589 patent, is directed to a method and apparatus for providing a calendar-based on-screen planner, also referred to in the patent as a “TV planner.” The ‘589 patent describes how a user can access an electronic programming guide (“EPG”) and select various scheduled television programs from the EPG that the user wishes to record or to be reminded about. The user can then access the TV planner to view a monthly or daily view of the television programs that the user has selected to record or to be reminded about. *See* the ‘589 patent, FIGS. 9 and 10.

The ‘356 publication is directed to a system and a method for alerting a viewer of a broadcast of a television program. The ‘356 patent describes that, after a viewer indicates interest in a program, the system retrieves program information for the program of interest and stores the program information in a calendar at the day/time of the scheduled broadcast.

The '810 publication is directed to an interactive electronic programming guide that allows a user to tag one or more programs in order to indicate them as programs that are to be recorded.

The '359 patent is cited as disclosing using compressed numerical codes, such as G-codes, to uniquely identify particular television programs and information associated with the television programs.

II. No combination of the cited references teaches or suggests all of the elements of the amended independent claims of the present application.

Independent Claims 1, 10, 15, and 25 of the present application have been amended to recite that the electronic calendar is configured to store broadcast event entries related to scheduled broadcast programs (e.g., television shows) and user-generated event entries related to scheduled non-broadcast-related events (e.g., everyday events that a user may schedule that are not related to broadcast information). For example, Figures 1 and 2 of the present application show how "normal" user-generated events, such as "Call ACME about delivery," "Lunch with Marcus," and "Call Kristen" can also be stored in the electronic calendar along with television program information. *See, e.g.*, Figures 1 and 2, and ¶¶ 0013-0015 and 0019.

In contrast to the claimed invention, the TV planner of the '589 patent is only used for displaying a calendar view of television programs that a user has selected to record or to be reminded about. Neither the '589 patent nor any of the other cited references teach or suggest, alone or in combination, an electronic calendar configured to store and display selected broadcast program events along with user-generated non-broadcast events, as recited by amended independent Claims 1, 10, 15, and 25.

Although Figure 8 of the '589 patent seems to illustrate that "other calendar data," in other words "holidays" and "special promos," may be entered into the TV planner from a database, the '589 patent does not provide any written description of Figure 8 in the specification and, as such, it cannot be determined what specifically is meant by this box in Figure 8. However, in order to further distinguish the claimed invention from anything that may be disclosed in Figure 8, the claims recite that the non-broadcast-related calendar event entries are

“user-generated” in contrast to the designation of “holidays” and “special promos” that are apparently defined on the network side in a database and then downloaded or pushed onto the TV planner without any teaching or suggestion of user involvement.

Therefore, in view of the claims amendments and the above described remarks, Applicants submit that amended independent Claims 1, 10, 15, and 25, as well as the claims that depend therefrom, are in condition for immediate allowance.

III. New claims and additional claim amendments.

In addition to the above described amendments, Applicant has added several new dependent claims directed to other features of embodiments of the present invention that are not disclosed by the cited references. For example, several of the new dependent claims are generally directed to the feature of embodiments of the invention where the electronic calendar stores and displays information about a user that is associated with a calendar event. *See, e.g.*, Figure 2 and ¶ 0016. Several others of the new dependent claims are generally directed to the feature of embodiments of the invention where the electronic program guide can be accessed from the electronic calendar by selecting an icon associated with the electronic calendar. *See, e.g.*, ¶ 0013.

Applicant has also amended independent Claims 15 and 25 to remove the means plus function terminology. New independent Claim 34, however, has been added and uses means plus function terminology. Since new independent Claim 34 also recites that the electronic calendar is configured to store broadcast event entries related to scheduled broadcast programs and user-generated event entries related to scheduled non-broadcast-related events for at least one user, Applicant also submits that Claim 34, as well as Claim 35 that depends therefrom, is in condition for immediate allowance.

Conclusion

In view of the amended claims and the foregoing remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is

Appl. No.: 10/035,557
Amdt. dated February 6, 2007
Reply to Office Action of November 6, 2006

encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Christopher W. McAvoy
Registration No. 57,055

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON February 6, 2007.

LEGAL02/30240616v1